

COUNCIL FOR HEARING INSTRUMENT SPECIALISTS

MINUTES

Date: June 15, 2006

Time: 9:00a.m.

**Location: Millennium Maxwell House Nashville
2025 Metro Center Blvd.
Nashville, TN 37243**

Members Present

Mr. Thomas A. Stewart, Chairman

Mr. Jackie L. Miller, Secretary

Dr. David Levy, Council Member

Mr. James D. Alderman, Citizen Member

Dr. Robert E. Bowers, Physician

Ms. Robbie Bell, Ex Officio, Director

Staff Absent

Ms. Juanita Presley, Advisory Attorney

Staff Present

Ms. Bonnie Ferrell, Administrator

Ms. Marva Swann, Unit Director

Mr. Ernie Sykes, Advisory Attorney

Mr. Jerry Kosten, Rules Coordinator

Mr. Ernie Sykes, Advisory Attorney

The Council Chair, Mr. Thomas Stewart determined that a sufficient number of Council members were in attendance to constitute a quorum and called the meeting to order at 9:04 am.

Conflict of Interest

Mr. Ernie Sykes informed the Council that he was sitting in for Ms. Juanita Presley. He then preceded to review the Conflict of Interest Policy with the Council members.

Travel

Mr. Sykes reviewed the rules of travel regulations relevant to per diem expenses, reimbursement of such expenses, and submission of appropriate forms to the administrative staff to process.

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O.G.C. Report

Mr. Sykes informed the Council of the following:

The proposed amendments to Rule 1370-2-.15, authorizing the Chair or designated member present at the time of the contested case hearings is within the authority of Administrative Procedures Rule 1360-4-1.18.

Proposed Amendments to Rule 1371-2-.05, .06, .09, .15 regarding submission of passport size photograph with application; examination and re-examination fee; change of wording in bills of sale from “bills of sale for audiometers” to “bills of sale for hearing instruments”; delete informal settlements, and petitions for reconsiderations and stays in contested proceedings to authorize the member of the HIS Council who presided over the contested case to hear the petition for reconsideration and stays pursuant to Rule 1360-4-1.18.

Rule 1370-2-.05, Criminal Background Checks for all new applicants became effective May 31, 2006.

Rules:

Mr. Jerry Kosten presented the Notice of Rule Making Hearing on amendments to Rule 1370-2-.05, .06, .09, .15 regarding submission of passport size photograph with application; examination and re-examination fee; provision of copy of bills of sales with application for renewal of expired license; petitions for stays and reconsiderations.

Dr. David Levy made a motion to send the amendments to rule making hearing as written. The motion was seconded by Dr. Robert Bowers and the motion carried.

Dr. Levy made a motion to comply with the following opinion and to include the opinion in the minutes. Mr. Jackie Miller seconded the motion and the motion carried.

Being the first Council meeting since the March 28, 2006, Attorney General’s Ruling regarding the tax category of hearing instruments being Ruled as prosthetic devices, this Council in like kind, rules in agreement, insofar as the tax category compliance. However, this ruling in no way changes the Scope of Practice for any past, present, or future licensee governed by this Council for Licensing Hearing Instrument Specialists. Formal opinion on sales tax or use tax issued by the county or city will not affect hearing instrument specialists. There was no change on sales tax on July 1, 2007

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Dr. Levy praised Ms. Robbie Bell, Ms. Bonnie Ferrell and Ms. Marva Swann for all their hard work. He thanked Ms. Ferrell for all the work she put in drafting the report for the Audit Commission as it made him well prepared if he would have been be called to speak regarding the audit. He then stated that his term on the Council would be over June 30, 2006 and he probably would not be at the next Council meeting.

Ms. Bell and Mr. Stewart thanked Dr. Levy for taking time away from his business to sit on the Council and all he had done.

The Council recessed at 10:30am for a break.

The Council reconvened at 10:45 am.

EXAMINATIONS

Dr. Levy asked if Ms. Ferrell would contact North Carolina regarding buying their practical exam and use of their simulator. She is to ask if we could lease their simulator, if not where could we purchase one. He requested Ms. Ferrell to contact North Carolina Ms. Bell stated that she would check on computer based and graded exams by the use of a simulator. Hopefully, we could have a simulator by October or November, 2007.

The Council recessed to administer exams at 11:30 am.

The Council reconvened at 12:15 pm.

Minutes

After reviewing the March 9, 2006 minutes, Mr. Jackie Miller made a motion to accept them as written. Dr. Levy seconded the motion and the motion carried.

Administrative Report

Ms. Ferrell reviewed the Administrative Report with the Council. She informed them that the Annual Continuing Education Seminar held on April 1st and 2nd of this year had a great turnout and the sessions were very informative and well presented. The seminar was approved for ten (10) hours of continuing education credit. Those attending Sunday's session would receive two (2) hours of continuing education credit pertaining to TN Statutes and Rules.

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Investigative Report

Ms. Bell reviewed the investigative report with the Council. She stated that three (3) complaints were received this year and there were four (4) still open as of the end of May, 2006.

Disciplinary Report

The Disciplinary Report showed no new disciplinary action had been taken since August 30, 2005.

Financial Report

The Financial Report showed that the Council was in the red but was gradually improving their bottom line.

Ratification

Dr. Levy made a motion to approve licensure to the following applicants:

Mark D. Kling – Apprentice

Mr. Miller seconded the motion and the motion carried.

The Council reviewed Mr. John H. Staten's application for reinstatement. Dr. Levy made a motion to approve Mr. Staten for reinstatement and Mr. Miller seconded the motion. The motion carried.

There being no further business Dr. Levy made the motion to adjourn the meeting. The motion was seconded by Mr. Miller and the motion carried. The meeting adjourned at 2:10pm.

Dr. David Levy, Council Chair

Date